

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
LAFRANCES DUDLEY O’NEAL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-0179 (PLF)
)	
PRETRIAL SERVICES AGENCY, <u>et al.</u>)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION

On February 11, 2013, pro se plaintiff LaFrances Dudley O’Neal filed a complaint alleging violations of her constitutional rights by various federal and non-federal defendants, in connection with her criminal prosecution for bank fraud. Compl., Dkt. No. 1; Memorandum Opinion and Order, Dkt. No. 7 (August 9, 2013); see also United States v. O’Neal, Criminal No. 11-0355-1 (RBW).

There is no record that a copy of the complaint has been served on any of the defendants. The non-federal defendants, who presumably are unaware of this lawsuit’s existence, have not responded to Ms. O’Neal’s complaint. The federal defendants, by contrast, filed a motion to dismiss on April 5, 2013. Mot. to Dismiss, Dkt. No. 3. The federal defendants contend that Ms. O’Neal’s complaint must be dismissed for several independent reasons, including failure to properly complete service of process. Mot. to Dismiss at 1-2. On May 8, 2013, this Court issued an order advising Ms. O’Neal of the consequences of failing to respond

to a dispositive motion, and instructing her to respond to the federal defendants' motion no later than May 29, 2013. See Order, Dkt. No. 4.¹

On May 29, 2013, Ms. O'Neal filed a motion to strike the federal defendants' motion to dismiss. See Mot. to Strike, Dkt. No. 5. Ms. O'Neal's motion consisted of a single sentence, and did not substantively respond to the specific assertions made in the federal defendants' motion.

On August 9, 2013, the Court issued a Memorandum Opinion and Order, explaining the requirements of the Federal and Local Rules and directing Ms. O'Neal to show cause in writing by September 4, 2013, as to why her complaint should not be dismissed for failure to serve the defendants within 120 days after the complaint was filed. In addition, the Court again advised Ms. O'Neal of the consequences of failing to respond to a dispositive motion, and directed her to respond to the federal defendants' motion to dismiss no later than September 4, 2013. Memorandum Opinion and Order, Dkt. No. 7. The Court made clear that a failure to respond may result in the Court's treating the dispositive motion as conceded and that a failure to provide proof of service would lead to dismissal of the complaint. Id.

The September 4, 2013 deadlines have passed, and the plaintiff has failed to provide evidence of service, respond to federal defendants' motion, or file anything further with the Court. The Court therefore will dismiss this action for failure to serve process upon the

¹ This Order was issued by Judge John D. Bates. The case subsequently was transferred to the undersigned on June 20, 2013.

defendants. See FED. R. CIV. P. 4(m). A separate Order accompanies this Memorandum Opinion.

SO ORDERED.

DATE: October 9, 2013

/s/ _____
PAUL L. FRIEDMAN
United States District Judge